



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Branch
CEPOA-CO-R
Post Office Box 6898
Elmendorf AFB, Alaska 99506-0898

PUBLIC NOTICE DATE: March 28, 2006

EXPIRATION DATE: April 27, 2006

REFERENCE NUMBER: POA-2006-466-4

WATERWAY: Campbell Creek

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plans.

APPLICANT: Alaska X, Inc., Ken and Gay Nel Cardwell, owners, P.O. Box 112482, Anchorage, AK 99511-2842.

AGENT: Not applicable.

LOCATION: The proposed project is located within section 6, T. 12 N., R. 3 W., Seward Meridian; Latitude 61.1552 N., Longitude -149.8884 W.; Lots 3 and 4; west of C Street, north of West 72nd, east of Hart Street, in Anchorage, Alaska.

PURPOSE: To construct a main office and equipment yard to allow consolidation of construction business. A later phase would include an equipment repair shop.

WORK: Discharge a total of approximately 4,900 cubic yards (cy) of clean fill in 1.67 acres of wetlands for a 1-foot to 2-foot embankment over the entire site except the 0.528 acre preservation area (approximately 115 feet by 200 feet) in the southwest corner that includes the artificial pond.

ADDITIONAL INFORMATION: The site is approximately 2.68 acres in size, of which approximately 2.2 acres are "B"-designated wetlands (Anchorage Wetlands Management Plan, 1996, Wetland Unit 38C, Map 55 (Anchorage Wetlands Atlas, 2004)). An artificial pond is present in the southwest corner (see Mitigation section below). In 1970 this pond area was excavated in peat 6 to 10 feet deep for the basement of a house that was to have been moved to the site. The northern edge of the right-of-way of 72nd Avenue is immediately south of the pond. Water moves from the site through storm drains eventually into Campbell Creek via the sediment pond at Minnesota and Dimond. Once the project is constructed, an 864-foot long bioswale would follow the northern and eastern property lines. The northern ditch would likely drain towards Hart Street, and the eastern ditch would likely drain towards 72nd. An excavator would lay back the top vegetative layer, remove small amounts of peat to shape and grade so that the ditch would drain and then lay the top vegetative layer (about five feet wide) back in place. A chain link fence would be installed along the northern and eastern margins of the property (indicated by x's on Sheet 2 of 3). Good access is needed since excavators are large and are transported on 100-foot long low boys. Access is proposed off of Hart Street; this could involve the

placement of a 20-foot wide gravel strip in the existing road right-of-way. Trucks and equipment would access the site off of Arctic Boulevard.

Vegetation clearing would be limited to areas where structures are planned. The remaining fill areas would have filter fabric rolled out prior to filling. In the areas where the office (40 feet x 100 feet) and vehicle storage and maintenance building (50 feet x 100 feet) would be built, the vegetative mat and underlying soils (6-foot depth for the office and 5-foot depth for the maintenance building) would be removed from the site. The 2,400 cy of peat would be disposed of at the Anchorage Sand and Gravel Sand Lake Disposal site.

Silt fences would be used at the base of side slopes to prevent sediment from traveling off the construction pad. Side slopes would be 1:2 and stabilized with topsoil and seeded at project completion. All fill would be obtained from a commercial source within the Municipality. All work would be completed using backhoe, dump truck, grader and dozer.

Alaska X Inc. is a construction business that currently leases an office in one location and a storage yard a mile away and hires out equipment maintenance at yet another location. The proposed site was selected because its size of approximately 2 acres (not including the pond) would allow consolidation of the business at one site that could be purchased. The location in the south end of Anchorage and its industrial zoning are appropriate to the business needs. Other sites investigated over the last four years are too large where the owners have been unwilling to subdivide or too small. Specifics of the alternative analysis may be obtained from this office. Additional information about the project may be obtained by calling Ken Cardwell at 345-2793.

MITIGATION: As a result of pre-application coordination, the applicant has incorporated into the proposed project the following mitigation efforts to reduce impacts to the aquatic environment:

1. Preservation of the artificial pond and surrounding vegetated buffer area (total: 115 feet by 200 feet) ~~in perpetuity~~. Note that an east-west utility easement limits the extent of the buffer to the north.
2. Addition of woody vegetation along the wooden fence and at the property line of 72nd Avenue and at the property line of Hart Street to enhance the visual buffer around the pond.
3. Construction of a wooden screening fence on the northern and eastern sides of the preserved area.
4. Retention of all but the two building sites and the parking areas immediately around the office building in unpaved condition to allow percolation of water into the substrate.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRs) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRs constitutes the extent of

cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area. Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS).

We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources.

SPECIAL AREA DESIGNATION: None.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a

permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Ms. Mary Lee Plumb-Mentjes at 753-2712, or by email at Mary.Plumb-Mentjes@poa02.usace.army.mil, if further information is desired concerning this notice.

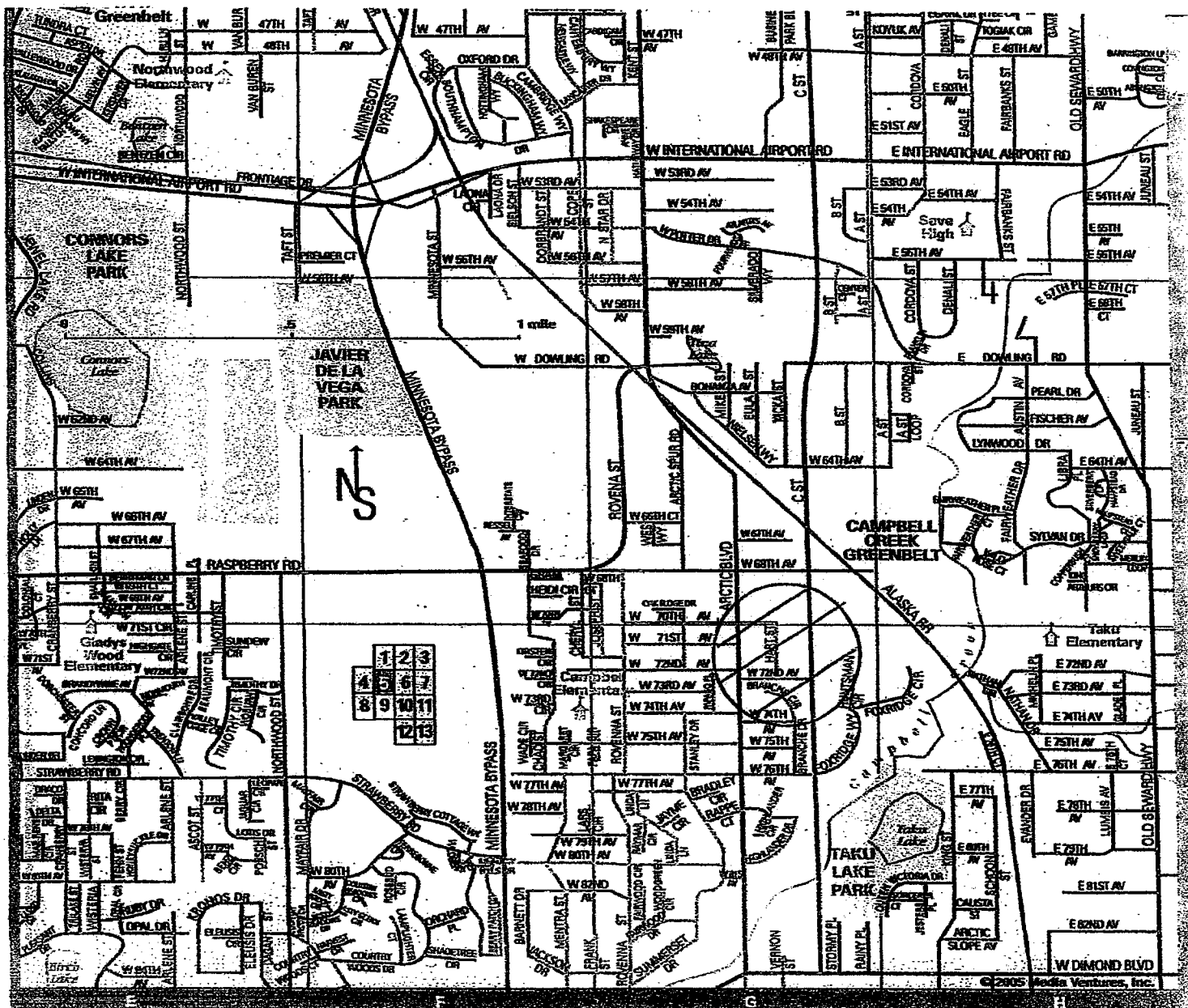
AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

Plans and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer
U.S. Army, Corps of Engineers

Attachments



Purpose: Site for
small excavation
company. Adjacent
property owners are
on attachment

Vicinity Map

Ken Cardwell
Alaska X, Inc.
PO Box 112482
Anchorage AK 99511

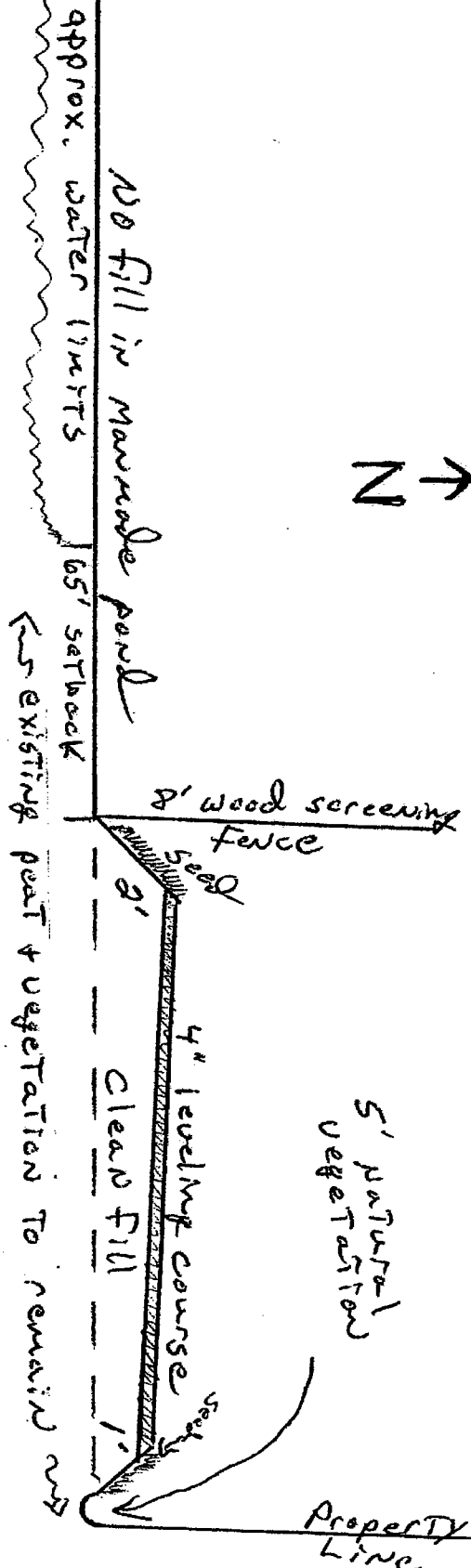
Proposed site fill
AT 72nd & Hart St.
Anchorage AK
Application by
Alaska X, Inc.

3/22/06

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Sheet 1 of 13

Hart ST Property Line

N →

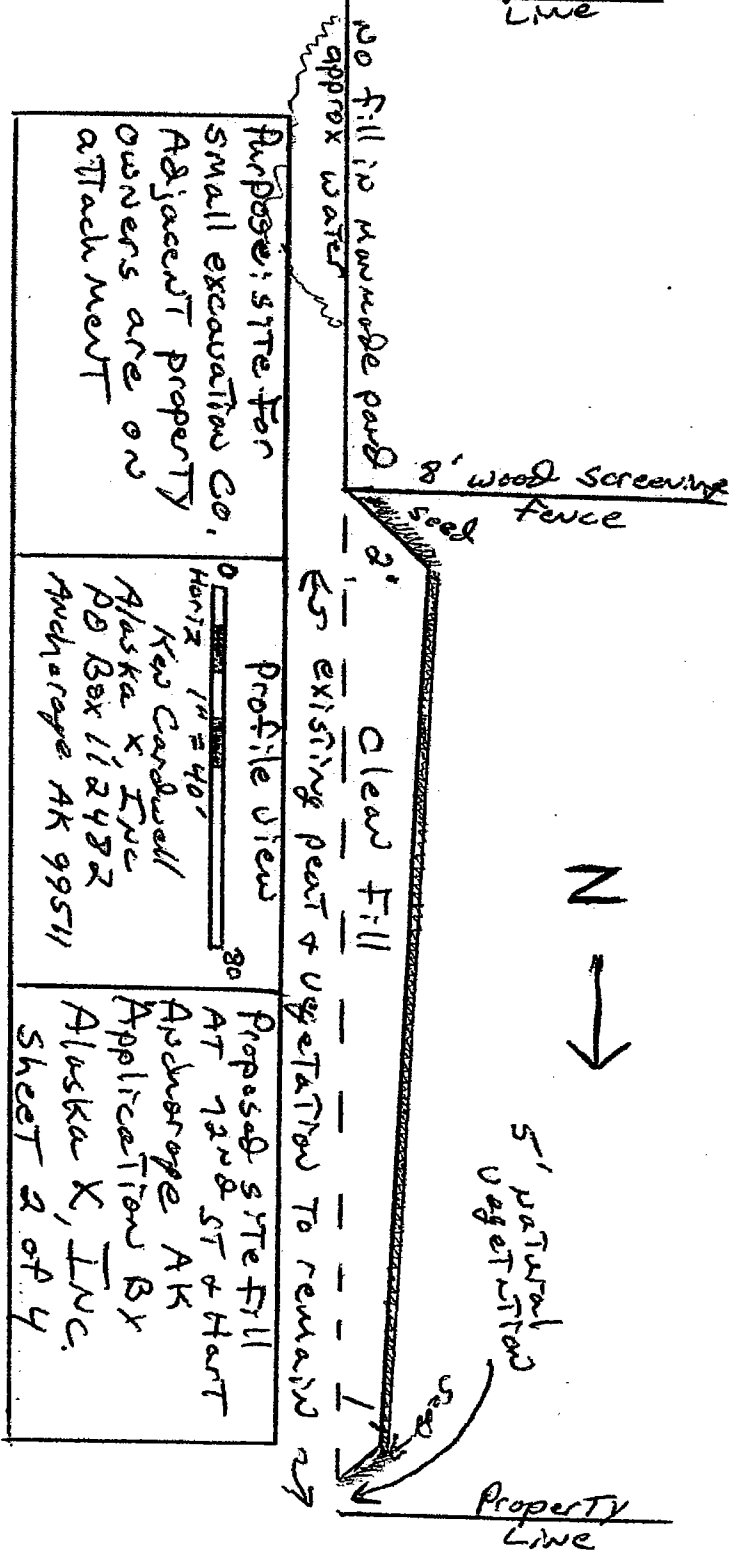


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Campbell Creek
Sheet 3 of 3

72nd

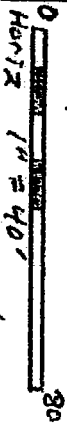
Property Line

N →



Purpose: site for small excavation Co. Adjacent property owners are on attachment

Profile View



Ken Campbell
Alaska X, INC.
PO Box 112482
Anchorage AK 99511

← existing post + vegetation to remain →

Proposed site fill

AT 72nd ST & Hart
Anchorage AK
Application BX
Alaska X, INC.
Sheet 2 of 4

3/22/06

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF WATER

401 Certification Program

Non-Point Source Water Pollution Control Program

NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. POA-2006-466-4, Campbell Creek, State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation
WQM/401 Certification
555 Cordova Street
Anchorage, Alaska 99501-2617
Telephone: (907) 269-6281
FAX: (907) 269-7508